

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

TASER INTERNATIONAL, INC.,

Plaintiff,

v.

Case No: 6:16-cv-366-PGB-LHP

PHAZZER ELECTRONICS, INC.,
STEVEN ABBODD, PHAZZER IP,
LLC and PHAZZER GLOBAL
CORPORATION,

Defendants

ORDER

This cause comes before the Court following a hearing on Plaintiff's Opposed Second Motion to Compel Stephenson's Production of Documents. *See* Doc. Nos. 669, 679.¹ The Court previously granted the motion in part, and took the motion under advisement in part as it relates to attorney-client privilege objections by third-party entity Adam Stephenson, LLC ("Stephenson") to a Rule 45 subpoena served by Plaintiff. *See* Doc. No. 671. For the reasons stated on the record at the hearing,

¹ The Court addressed several other motions at the hearing, *see* Doc. Nos. 637, 641-42, 672, resolution of which will be addressed by separate order.

the remainder of Plaintiff's motion (Doc. No. 669) is **GRANTED in part and DENIED in part**. It is **ORDERED** as follows:

1. The Court **SUSTAINS** Stephenson's attorney-client privilege objections in relation to STEPHENSON 000016, STEPHENSON 000017, STEPHENSON 000020-000029, STEPHENSON 000030-000033, STEPHENSON 000034-000038, STEPHENSON 000039-000041, STEPHENSON 000042-000050, STEPHENSON 000051-000059, STEPHENSON 000060-000070, STEPHENSON 001672-001676, STEPHENSON 000425. Stephenson will not be required to produce these documents at this time.

2. The Court **SUSTAINS in part** Stephenson's attorney-client privilege objection to STEPHENSON 001680-001696. Specifically, Stephenson may redact the second paragraph of the cover letter at STEPHENSON 001680, but Stephenson must otherwise produce in full STEPHENSON 001680-001696.

3. The Court **OVERRULES** Stephenson's attorney-client privilege objections in relation to STEPHENSON 000005, STEPHENSON 000009, STEPHENSON 000011-000012, STEPHENSON 000013-000014, STEPHENSON 000015, STEPHENSON 000573, STEPHENSON 001032, STEPHENSON 001036, STEPHENSON 001053.² *See, e.g., Lake Eola Builders,*

² As stated on the record at the hearing, Stephenson also agreed to voluntarily

LLC v. Metro. at Lake Eola, LLC, No. 6:05-cv-346-Orl-31DAB, 2006 WL 8439531, at *3 (M.D. Fla. Jan. 27, 2006) (“Business activity, as opposed to legal advice, is not protected by the attorney-client privilege.” (citing *United States v. Davis*, 636 F.2d 1028, 1043 (5th Cir. 1981))).

4. Within **ten (10) days** of the date of this Order, Stephenson shall produce to Plaintiff the following documents: STEPHENSON 001680-001696, partially redacted as set forth herein, and unredacted versions of STEPHENSON 000005-00006, STEPHENSON 000009-000010, STEPHENSON 000011-000012, STEPHENSON 000013-000014, STEPHENSON 000015, STEPHENSON 000573, STEPHENSON 001032, STEPHENSON 001036, STEPHENSON 001053. Each of these documents will be designated “ATTORNEYS EYES ONLY” pursuant to the Court’s Protective Order. See Doc. No. 517.

5. Plaintiff’s motion is otherwise **DENIED**, and Plaintiff’s request for attorneys’ fees incurred for the filing of the motion is **DENIED** for failure to provide applicable legal authority in support. Cf. *Golden Krust Franchising, Inc. v. Clayborne*, No. 8:20-mc-104-T-33SPF, 2020 WL 7260774, at *2 (M.D. Fla. Dec. 10, 2020) (“[U]nlike Rule 37, Rule 45 contains no express provision for attorneys’ fees or sanctions to a party that has prevailed on a motion to

produce STEPHENSON 000006 and STEPHENSON 000010.

compel compliance with a subpoena. . . ." (quotation marks and citation omitted))

6. The Order to Show Cause directed to Stephenson (Doc. No. 675) is **DISCHARGED**.

DONE and **ORDERED** in Orlando, Florida on May 16, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties